

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION AT JACKSON

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CLERK, U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

THE PROCTER & GAMBLE PROFIT
SHARING TRUST AND EMPLOYEE
STOCK OWNERSHIP PLAN, by and
through its Trustees,

Plaintiff,

v.

CASE NO. 05-1365-T-An

BLANCHE M. SIMMONS,
BRIAN C. SIMMONS,
CARNEACE L. JONES, and
JOHN DOE,

Defendants.

**ORDER TO FREEZE ASSETS AND FOR ACCOUNTING AND ORDER GRANTING
PRELIMINARY INJUNCTION**

This matter came on for consideration on The Procter & Gamble Profit Sharing Trust and Employee Stock Ownership Plan, by and through its Trustees' ("P&G") Verified Complaint and Application for Injunctive Relief and the Declaration of Yolanda Simmons. A hearing on Plaintiff's application for a preliminary injunction was held on December 13, 2005, at which the court heard arguments from counsel for the parties and received evidence in the form of depositions and affidavits. For good cause shown, this Court GRANTS P&G's application for a preliminary injunction in the following particulars:

1. Temporarily restraining Defendants from directly or indirectly selling, assigning, dissipating, concealing, impairing, disposing of, transferring, or otherwise encumbering in any manner the funds received by Defendants from The P&G Trust Plan or proceeds from the same;

2. Temporarily restraining Defendants from tampering with, disposing of, or otherwise failing to maintain financial records relating to all funds received from The P&G Trust Plan;

3. Requiring all Defendants to provide an accounting identifying the location of all funds received by Defendants from The P&G Trust Plan, including identification of all accounts where said funds are held, all distributions, if any, made from the funds, and the existence of any assets, including real property, purchased with said funds; and

4. Enjoining Defendants Brian Simmons and Blanche Simmons from disposing of any assets which represent proceeds from the P&G Trust Plan, including \$57,500 in credit union accounts which may serve as an offset to losses which may have been sustained by P&G in the event P&G prevails in this action

5. This Preliminary Injunction takes effect immediately.

IT IS SO ORDERED, this 13th day of December, 2005, at Jackson, TN.

James D. Todd
District Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 20 in case 1:05-CV-01365 was distributed by fax, mail, or direct printing on December 19, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT